

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COMPETITIVE CARRIERS OF)	
THE SOUTH, INC. FOR A DECLARATORY)	
ORDER AFFIRMING THAT THE)	CASE NO.
INTERCONNECTION REGIMES UNDER KRS)	2015-00283
278.530 AND 47 U.S.C. § 251 ARE TECHNOLOGY)	
NEUTRAL)	

ORDER

This matter is before the Commission upon a petition filed by MCIMetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services (“Verizon”), requesting a rehearing of the Commission’s Order issued on February 28, 2017, and supplementing Verizon’s petition for confidential treatment, which was filed with the Commission on October 26, 2016. The Commission’s February 28, 2017 Order denied Verizon’s petition for confidential protection to portions of the Direct Testimony of Paul B. Vasington (“Vasington Testimony”) for failure to comport with 807 KAR 5:001, Section 13(2).

Pursuant to 807 KAR 5:001, Section 13(2), a request for confidential treatment of material should establish the specific grounds pursuant to KRS 61.878 for classifying the designated material as confidential and should state the time period for the material to be treated as confidential and the reasons for the time period. In the February 28, 2017 Order, the Commission denied Verizon’s petition for confidential treatment because Verizon did not identify the portions of the Vasington Testimony for which it

sought confidential protection and did not state the statutory basis for its request or the time period for the confidential treatment.

In support of its petition, Verizon identifies the materials for which it requests confidential protection as the Vasington Testimony, page 5, lines 11–17, in which Mr. Vasington analyzes confidential information provided by Competitive Carriers of the South, Inc. (“CompSouth”) regarding whether CompSouth’s members have IP VoIP agreements with other carriers, and the Vasington Testimony, page 5, line 21 through page 6, line 7, in which Mr. Vasington analyzes whether CompSouth’s members have traditional TDM customers. Verizon requests that the designated material be deemed confidential pursuant to KRS 61.878(1)(c)(1) and be held confidential for a period of ten years.

As a basis for its request, Verizon states that the designated materials were derived from confidential information provided to Verizon by CompSouth pursuant to a confidentiality agreement executed by the parties. Verizon further states that the information provided by CompSouth was itself subject to a motion for confidential treatment filed by CompSouth and that the Commission granted confidential treatment to the information in an Order entered on March 2, 2017. In the March 2, 2017 Order, the Commission found that the information met the criteria for confidential treatment and was exempt from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

Having reviewed the petition and being otherwise sufficiently advised, the Commission finds that Verizon has established good cause to grant rehearing in this matter. Further, the Commission finds that the designated materials contained in the

Vasington Testimony, page 5, lines 11–17, and page 5, line 21 through page 6, line 7, are generally recognized as confidential or proprietary, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Verizon's petition for rehearing is granted.
2. Verizon's petition for confidential protection for designated materials contained in the Vasington Testimony, page 5, lines 11–17, and page 5, line 21 through page 6, line 7, is granted.
3. The designated materials set forth in the Vasington Testimony, page 5, lines 11–17, and page 5, line 21 through page 6, line 7, shall not be placed in the public record or made available for public inspection for period of ten years, or until further Orders of this Commission.
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. Verizon shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, then Verizon shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Verizon is unable to make such demonstration, the requested materials shall be made

available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Verizon to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 21 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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